



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,644	11/06/2001	Kevin C. Hutton	GOLDENH.003A	9966

20995 7590 01/11/2006

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

LE, LINH GIANG

ART UNIT PAPER NUMBER

3626

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/007,644		HUTTON ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Linh-Giang Le		3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>043002</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Notice to Applicant***

1. The communication is in response to the application filed 6 November 2001. Claims 1-11 are pending. Acknowledgement is made of the claim of benefit to U.S. Provisional Application No. 60/246,310 filed 6 November 2000.

### ***Specification***

2. The disclosure is objected to because of the following informalities: improper reference number. On page 9, line 5, applicant refers to "database system 10" while referring to figure 2. However there is no corresponding feature in figure 2 only in figure1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3626

4. Claims 1-2, 4, 8-9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloane (5,911,132).

5. As per claim 1, Sloane teaches a computerized integrated emergency medical transportation database system (Sloane; Abstract) having a demographic audit module (Sloane; Col. 7, line 60-63). The system comprises a medical emergency database configured to store clinical encounter information, patient demographic data, and transport information (Sloane; Col. 1, lines 48-59). It is further comprised of a demographic audit module in communication with the medical emergency database (Sloane; Col. 7, lines 60-64). The demographic audit module is configured to determine whether sufficient patient demographic data exists in the medical emergency database (Sloane; Col. 7, lines 60-64) and search other databases in an attempt to obtain missing demographic information (Sloane; Col. 8, lines 4-8).

6. As per claim 2, Sloane teaches the demographic audit module is additionally configured to document one or more attempts to obtain any missing demographic information (Sloane; Col. 7, lines 65-67).

7. As per claim 4, Sloane teaches the system additionally comprised of a billing module in communication with the medical emergency database, the billing module receiving data from the demographic audit module (Sloane; Fig. 4 and Col. 6, lines 54-61).

8. As per claim 8-9 and 11, Sloane discloses an integrated emergency medical transportation database system having a data accuracy filter module with the same limitations and features as the demographic audit module as disclosed in claims 1-2 and 4 and the reasons for rejection are incorporated herein.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 5-7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (5,911,132) in view of Illiff (6,725,209).

11. As per claim 3, Sloane fails to teach the demographic audit module is additionally configured to apply modifiable data collection rules associated with a payer type to determine whether sufficient patient demographic data exists in the medical emergency database. However, this feature is well known to one of ordinary skill in the art as evidenced by Illiff. In particular, Illiff teaches a "TEST" performed by the computer to verify if necessary items are present. Examiner interprets "TEST" to mean applying certain data collection rules to verify the sufficiency of the data. It would have been

Art Unit: 3626

obvious to one of ordinary skill in the art to add the "TEST" feature in Illiff to the system in Sloane with the motivation of providing high quality and consistent medical advice (Illiff; Col. 2, lines 62-63). In order to provide high quality medical advice one of ordinary skill in the art would add a feature such as the "TEST" in order to ensure there is sufficient data in the database.

12. As per claim 5, Sloane teaches a method of auditing demographic data in an integrated emergency medical transportation database system (Sloane; Col. 7, lines 60-64). Sloane teaches a method comprised of collecting at least clinical encounter information, patient demographic information and transport information into a medical emergency database (Sloane; Col. 1, lines 48-59), searching other databases in an attempt to obtain missing demographic information (Sloane; Col. 8, lines 4-8), and recording attempts to obtain missing demographic information (Sloane; Col. 7, lines 65-67).

However, Sloane fails to teach applying a modifiable data collection rules associated with a payer type to determine whether sufficient patient demographic data exists in the medical emergency database. This is the same feature is recited in claim 3 and the reason for rejection is incorporated herein.

13. As per claim 6, Sloane discloses a method where in the other databases are located within the emergency medical transportation database system (Sloane; Col. 6 line 54).

14. As per claim 7, Sloane discloses a method wherein other databases are external to the emergency medical transportation database system and can be accessed via a network (Sloane; Col. 2 line 64 to Col. 3 line 16).

15. As per claim 10, the same feature of applying a data collection rule to determine whether sufficient data exists in the database is recited in claim 3 and the above reason for rejection is incorporated herein.

### ***Conclusion***


16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches an electronic template medical records coding system (6,529,876); a system for and method of collecting and populating a database with physician/patient data for processing to improve practice quality and healthcare delivery (6,151,581); and a system for retrieval of information from data structure of medical records (6,438,533).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh-Giang "Michelle" Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

Art Unit: 3626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

\*\*\*

  
JOSEPH THOMAS  
SENIOR PATENT EXAMINER  
TECHNOLOGY CENTER 3600